

Remarks

Claims 1-11, 13, 17, and 19-22 were previously canceled. Claims 16 and 18 are presently canceled. Thus, claims 12, 14-15, and 23 remain pending in the application.

Claim 12 has been amended to delete polyhydric alcohol from the group from which the crosslinking reagent is selected. No new matter has been added.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and remarks and the following response is respectfully requested.

Response to Rejections

Claims 16 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 16 and 18 have been canceled thereby rendering this rejection moot.

Claims 12, 14-16, 18 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,376,011 to Reeves et al. (hereinafter "Reeves") in view of U.S. Patent No. 4,734,478 to Tsubakimoto et al. (hereinafter "Tsubakimoto"). This rejection is respectfully traversed as applied to the presently amended claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

(1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. The application of the "teaching, suggestion, or motivation" (TSM) test is not "rigid." However, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)) (emphasis added).

Applicants' currently amended claim 12 requires, inter alia, applying an association agent and a crosslinking reagent to the superabsorbent material wherein the association agent is selected from the group consisting of water, volatile organic solvent, aqueous solution of film-forming material, synthetic adhesive and mixtures thereof and wherein the crosslinking reagent is selected from the group consisting of ethyleneglycol diglycidyl ether, aluminum acetate, aluminum sulfate, glycerol, ethylene carbonate, quaternary amine, glycidyl compound, alkylene carbonates, silyl esters, tetramethoxy silane, and mixtures thereof.

The Examiner has cited Reeves and stated that the water reads on the claimed association agent and polyvinyl alcohol (i.e., polyhydric alcohol) reads on the claimed crosslinking reagent.

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Applicants have amended claim 12 such that polyhydric alcohol is not in the claimed group from which the crosslinking reagent is selected. Thus, no prima facie case of obviousness has been established with regard to the presently amended claims because there is no showing that the prior art references teach or suggest all the claim limitations.

Applicants respectfully request that this rejection be withdrawn for at least this reason.

Applicants note that it is not clear what part, if any, Tsubakimoto plays in the current rejection.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3016.

Respectfully submitted,

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I hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the United States Patent and Trademark Office using the Electronic Filing System on August 14, 2009.

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